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# LEGAL CENTER



SOUTHERN METHODIST UNIVERSITY

LAW SCHOOL LIBRARY

*Bulletin*

VOL. 1

APRIL, 1953

NO. 2



JOINT PUBLICATION

SOUTHWESTERN LEGAL FOUNDATION



## ANNUAL REPORT

### TO THE TRUSTEES:

Some of the many accomplishments of members of the faculty of the Law School and officials of the Foundation in the past year appear in the special reports following this foreword. This has been by far the most productive year of our operations and I commend this issue of the Bulletin to your careful reading.

Two highly significant developments which we inaugurated last year, the Law Institute of the Americas and the Insurance Library, are now established features of our program.

The Law Institute of the Americas brings leading young lawyers from the several countries of the American continent to the law school for graduate studies. These young men spend a full year under instruction in the graduate school. A special curriculum has been worked out for them emphasizing primarily comparative commercial law study. We believe that this program will contribute toward freedom of trade and commerce and the elimination of legal restraints upon business in the countries of this Hemisphere. We trust, too, that in a small way we are contributing through this program to the strengthening of democratic ideals in the republics of North and South America.

The Insurance Section of the American Bar Association has designated the Southwestern Legal Center as the agency to establish and operate the first Insurance Law Center in the United States. Our initial efforts have been directed toward the assembling of one of the finest insurance libraries in the nation. This library will not only contain law books and publications but also many other works relating to the business side of the great insurance profession. The Insurance Law Center is a demonstration of the validity of our objective to attain the maximum cooperation among practicing lawyers, law faculty members and business executives.

Our libraries are growing very rapidly. They are: the Law School General Library, the DeGolyer Oil and Gas Research Library, the Faculty Library, the International Law Library, the Insurance Library and



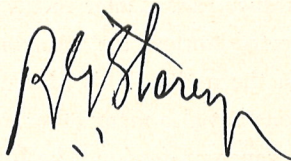
the Latin America Law Library. While many purchases have been made, we likewise received gifts of numerous books from lawyers and business men which add greatly to our library resources.

Our program of continuing education for the Bar is unusual. The Institute programs, particularly in the field of oil and gas law, personal injury litigation and land law, continue to enjoy national recognition. In addition, we have conducted semester-length courses for practicing lawyers and the short course in Oil and Gas Law has brought us practicing lawyers from all parts of the United States. This course is especially helpful to members of the legal profession in the states in which oil and gas have been only recently discovered.

The members of our faculty have been very active in building up the Legal Center and in services to the profession. The attached reports are all the product of the extra effort which our faculty members make toward the betterment of the Legal Center, the Law School and the Profession.

During the past year your president has given most of his time to the duties of President of the American Bar Association. He has had the opportunity in the course of many trips throughout the nation to visit other law schools and legal centers and he can assure you that everywhere there is manifested great interest in the work and accomplishments of the Southwestern Legal Center.

*Respectfully,*

A handwritten signature in black ink, appearing to read "R. G. Starnes". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

President, Southwestern Legal Foundation  
Dean, Southern Methodist University  
School of Law



## LAW INSTITUTE OF THE AMERICAS

The academic year 1952-1953 marked the opening in the School of Law of the Law Institute of the Americas, a program designed to bring together outstanding young lawyers of all countries of the Americas for a year of graduate study. The objective of the program is the development of a widely distributed group of American lawyers conversant with the legal institutions and doctrines of the many countries of the hemisphere. These young men will contribute greatly through the years to a better international understanding, to improved commercial and cultural intercourse, and to the welding of professional bonds among the Bars of the Republics.

The program, co-sponsored by the Southwestern Legal Foundation, is made possible through the munificence of a distinguished lawyer of the Southwest. It represents one of the most inspired and forward-looking acts of philanthropy of the present time.



The initial group of students at the Institute of the Americas is shown in a classroom. These young lawyers represent 12 nations.



The course of study extends for a full academic year. The work is divided among the fields of International Law, Jurisprudence, and Comparative Law. The program in International Law includes studies of world organization and of the regional organizations and treaties of the American states. The work in Jurisprudence includes both Anglo-American and Latin-American legal philosophy. The program in Latin-American Comparative Law comprises Constitutional Law, Commercial Law, Labor and Welfare Law, Natural Resources Law, and Private International Law. In addition there is a survey course devoted to European legal systems, and a survey of Anglo-American legal institutions designed for the Latin-American student. Upon the completion of this program with distinction the student is graduated with the degree of Master of Laws in Comparative Law.

The initial group of students were drawn from a wide geographic area, with one or more from each of the following countries: Argentina, Bolivia, Brazil, Canada, Chile, Costa Rica, Guatemala, Mexico, Nicaragua, Peru, Venezuela, and the United States. Other countries are represented in the applicants for 1953-1954. These students are carefully selected on the basis of academic records, practical experience, and promise as indicated by recommendations from lawyers in their home countries. Each student receives a fellowship sufficient to cover University tuition and fees, and living expenses in Lawyers Inn.

There are many firms in the Southwest with interests in Latin-America and Canada. It is believed that these firms will want to consider carefully the advisability of establishing additional fellowships in the Law Institute of the Americas to be awarded young lawyers in countries in which they are interested.

The Law Library is assembling an excellent collection of basic legal materials from Canada and the twenty American republics. This task is going forward rapidly. To this end the Librarian solicits gifts of books and monetary assistance from business organizations and others having interests and connections in the Latin-American states.

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## THE INSURANCE CENTER

A great deal of effort has been expended by various leaders of the insurance industry in Dallas, particularly Mr. Will C. Thompson, the Chairman of the Insurance Division of the Southwestern Legal Foundation, in



setting up an Insurance Center, another joint enterprise of the Foundation and the School of Law.

The Insurance Center contemplates the building of a Library containing valuable and essential material dealing with all important phases of the insurance industry. It also contemplates an insurance education program tailored to fit the needs and the desires of the insurance industry. To accomplish the purpose of the Insurance Center, space has been set aside in the basement of Storey Hall to house the Insurance Center Library. An enthusiastic Library Committee, under the chairmanship of Mr. W. H. Painter, Vice-President of United Fidelity Life Insurance Company, is at work procuring books for the Library. A number of large donations have been made and at the present time, although the accumulation is just beginning, the Library has over 1500 volumes.

The Insurance Center contemplates establishing a service whereby those interested in insurance problems may send or secure material through the services of the Insurance Center by means of photostatic or microfilm reproduction. Such a service requires the interest and cooperation of those interested in insurance in other parts of the country. The American Bar Association Insurance Section endorsed and approved the Insurance Center program at its annual meeting on September 15, 1952, held at San Francisco.

The primary responsibility for the operation of this Insurance Center is in the hands of Harvey L. Davis, Professor of Insurance Law in the Law School. He is due much credit for his effective work to date.

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## LEGAL CENTER LIBRARY

The Law Library of the Southwestern Legal Center, under the direction of our Librarian, Miss Hibernia Turbeville, is rapidly expanding into one of the best research libraries in the Southwest. During 1952 emphasis has been placed on developing a collection of Latin American legal literature. The codes of the majority of Latin American countries have been acquired as well as the outstanding treatises in the different fields of law. We are striving to obtain at least one legal periodical from each country. Many books containing general information on Central and South America have also been secured. At the present time, we have a fairly good "working" Latin American library and hope to build this collection into a good "research" library. If members of the Foundation have any legal literature of these Latin American countries which they



would like to donate to this collection, please contact the Law Librarian.

We are quite proud of the section in our library designated for books on jurisprudence. Books on legal philosophy and legal history are found on these shelves.

All of the Official Records of the General Assembly and the Security Council of the United Nations, as well as many treatises on both private and public international law, have been added to the International Law Library. Many reports and statutes for the provinces of Canada have been bought during the past year.

Plans are being formulated to establish an Insurance Library, the details of which you will find elsewhere in this bulletin. Books are already being accumulated and we hope through the co-operation of the insurance companies of the Southwest and the organized Bar to build up a complete research Insurance Library.

Members of the Southwestern Legal Foundation and friends of the Law School are urged to use all sections of the Law Library.

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## CONTINUING LEGAL EDUCATION PROGRAM

The program of continuing legal education at the Legal Center under the joint sponsorship of the Foundation and the School of Law has enjoyed a steady and remarkable growth. The annual institutes, particularly in the field of oil and gas and taxation, have received national recognition.

There were more than 600 registrants from twenty-one states and Canada at the Fourth Annual Oil and Gas Institute held in January of this year. In addition to this significant meeting there was a very successful institute on personal injury litigation during November, 1952. This, too, was well attended and continued our policy of having a number of outstanding doctors on the program in addition to the legal experts who served as lecturers. The plan of having both the legal and medical aspects presented has met with warm enthusiasm.

Continuing our policy of arranging programs of interest on a more detailed basis for the practicing lawyer, we presented a series of twelve, two-hour evening lectures on Procedure and Trial Tactics in Texas Courts. About 100 lawyers from Dallas and surrounding cities religiously attended these lectures. In addition to our faculty lecturers, Professor Wilmer D. Masterson, Jr. and Professor Robert E. Keeton, outstanding trial lawyers and eminent judges were secured to lecture.



Within the past month we have completed a very successful, highly concentrated short course on oil and gas law. This course, under the direct supervision of Professor Wilmer D. Masterson, Jr., was designed with the thought that there were undoubtedly many lawyers who had suddenly found themselves in need of a general knowledge of oil and gas law and yet they had not had the opportunity for previous legal training in this field. Our conclusions struck pay dirt in the form of practicing attorneys from North Dakota, Utah, Wyoming, Illinois, Ohio, Florida and Texas, who came to our Legal Center to live and spend a month in highly concentrated study. The enthusiasm with which this course was received strongly dictates our consideration of similar courses in the future.

Although the Legal Center has by no means reached the ultimate in the type of legal institute program that it presents, we have been highly complimented by the demands from many outside groups to assist in arranging their programs. In fulfilling this obligation we have drawn heavily on the membership of the Foundation and have revelled in the knowledge that among our membership are some of the most brilliant, able lawyers and successful businessmen in the country.

Closely allied with the legal institute program and the lecture series generally has been our growing list of publications. Numbered among these are such publications as First Annual Institute on Labor Law (1949); Second Annual Institute on Labor Law (1950); Institute on Life Insurance Law; Institute on Federal Taxation; Proceedings of the First, Second, Third and Fourth Annual Institutes on the Law of Oil and Gas and Taxation; Institute on the Antitrust Laws and Price Regulations; Economic Regulation of Scheduled Air Transport; Institute on the Trial of a Land Suit; the Oil and Gas Reporter, published in five issues annually, and finally our joint sponsorship with the Law School of the Southwestern Law Journal. We feel fortunate that Matthew Bender & Company, New York City, have published several of these works. Through their efforts and the reputation that the publications are making for themselves, we are now distributing books and materials on a national and even international scale. We have been particularly pleased with the unsolicited communications praising the caliber of the material reported in many of these volumes.

Although the continuing legal education program generally can be referred to as highly successful, still we are alert to improvement and receptive to constructive suggestions.



## GRADUATE STUDIES DIVISION

The program of the Graduate Studies Division of the School of Law, under the direction of Professor Arthur L. Harding, continues its successful operation, serving the needs of those who desire to continue the scholarly study of law beyond the undergraduate curriculum.

With reference to each student the graduate program seeks three ends: to broaden the student's understanding of the theory of Anglo-American law, to afford an opportunity for specialization in specific fields of the law, and to develop skill in legal research and writing. The graduate seminars are of small size and special emphasis is placed upon individual work. The preparation of a dissertation embodying the results of original research is a major part of the work leading to the Master of Laws degree.

The scope of formal graduate instruction is determined both by demand and by library and instructional facilities. It is the policy of the School of Law to move conservatively in the establishment of new seminars to assure a uniformly high standard of quality. Outstanding library collections are required in each field. At the present time graduate seminars are offered in two or more areas in the fields of Corporations, Jurisprudence, International Law, Labor Law, Oil and Gas, Taxation, and Latin-American Comparative Law. A new seminar in Taxation of International and Foreign Trade will be added in 1953-1954. Facilities are available for individual research in all of the usual fields of Anglo-American law.

Friends of the School of Law and of the Foundation have provided funds for the establishment of graduate fellowships of \$1500 each per annum in the field of Latin-American Comparative Law and the Oil and Gas and Taxation Divisions of the Southwestern Legal Foundation have provided two fellowships of \$1500 each in Oil and Gas Law and in Taxation. Since the completion of undergraduate study usually finds the student near the end of his financial resources, graduate fellowships are invaluable in permitting outstanding young scholars to continue their academic work and to make outstanding contributions to the fund of legal knowledge. It is hoped that the friends of the School will support the graduate fellowship program to an increased extent. It is considered to be particularly desirable that there be graduate fellowships in fields of legal theory and research which have no immediate connection with the earning power of the lawyer, but which are of vital import to the profession and to society as a whole.



To assure a maximum of individualized instruction and of valuable individual contributions to the body of the law, applicants for admission to the graduate program are selected on the basis of high academic achievement and intellectual promise. All are required to have completed both their college and law school work with good records, and to have received the Bachelor of Arts or other first degree from an accredited college or university and a Bachelor of Laws degree from an approved law school.

In the year 1952-1953 the School of Law awarded its first degrees of Master of Laws in Oil and Gas and of Master of Laws in Taxation. In June, 1953, it will confer its first degrees of Master of Laws in Comparative Law.

In connection with teaching of Graduate Tax courses, the Graduate Committee has worked out an arrangement with Professor John W. Riehm, Jr., and Professor Charles O. Galvin, the Professors of Taxation, whereby the course in Federal Oil and Gas Taxation will be offered in the Spring semester of each year. Under such an arrangement every Graduate student working in the field of Oil and Gas and Taxation will now have an opportunity to take the course, even though he completes his work in a single academic year. It is felt that this will offer a distinct advantage over the program in the past, under which it was possible for the Graduate student to miss the course because of its not being offered. In addition, a new course entitled "Taxation of International and Foreign Trade" has been proposed and will be offered in the Fall of 1954. The course contemplates a survey of the tax systems of the various countries in the Western Hemisphere, with emphasis on taxes imposed and entities taxable. In addition, it will consider the reciprocal tax conventions in force between the United States and other countries; and tax treatment of U. S. business operations abroad. This course will complement the work being done in the Law Institute of the Americas program and should be of considerable interest to practitioners who engage in business dealings with Latin and South American countries.

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Professor Clyde Emery reports the publication of his booklet, "A Streamlined Briefing Technique." Bancroft-Whitney Company had no previous experience with such a short book (50 pages), and decided for the first year to distribute it gratis. Mr. Wendell Hill, 6311 Del Norte Lane, Dallas (FOrest 8-7640) is the publisher's representative for the northern half of the state and will accommodate those who are interested.



## LAW SCHOOL ENROLLMENT RISES

Professor John W. Riehm, Jr., Chairman of Admissions, reports that the enrollment in the Law School during the current year is considerably above that which was estimated last Spring. We consider this most encouraging because the annual report of the Association of American Law Schools on enrollment indicates that the great majority of the law schools had a drop in their student body. We estimate that in the absence of major changes in military and draft policies, we will have approximately the same enrollment next Fall as we had in September, 1952, with a possibility of a slight increase. It is interesting to note that we have had some increase in the enrollment of students in the Evening Division, with the caliber of the applicants being exceptionally satisfactory. In large measure this is due to the number of new industrial concerns moving into the Dallas area, which brings engineers and junior executives who are interested in acquiring a legal education to advance themselves, either within the profession or in their present employment.

The Regional Law Scholarship program, under which we were able to offer full tuition scholarships to promising graduates of approved colleges and universities in the region served by S. M. U., has seen its first year of operation. It is pleasant to note that of the applicants accepted nearly every one has proved, on the basis of his first semester's work, to be an exceptional student who offers great promise. We feel that the program, over the years, will do much to advance the reputation of the Law School, since our best advertisement is the production of brilliant, competent young lawyers.

In view of the fact that there appears to be correlation between ability evidenced in pre-law work and ability to master the law, the faculty is presently studying the problem of alteration of admissions requirements in order to attempt to determine whether changes in admissions standards are advisable. The ultimate goal is the production of the best possible Law School graduate. If that can be influenced by characteristics developed prior to admission to the Law School, we want to obtain applicants who evidence those characteristics. Of course, any contemplated changes would be put into effect on a prior-notice basis to enable individuals presently preparing for law school to conform with a minimum of difficulty. In short, the faculty's goal is to take a much more active interest in the problems of pre-legal education, in the hope that ultimately it will produce a better law student, and a better practicing lawyer.



## LAW GRADUATE PLACEMENT

Professor Harvey L. Davis, Director of Placement, reports amazing success in finding suitable jobs for our law student graduates and, conversely, in finding suitable applicants for the opportunities that are open. The situation continues to be favorable for the law student graduates in that there are many job opportunities for them and consequently all graduates are finding employment. For the past year the number of jobs available has exceeded the number of law graduates. The Placement Office also has been quite successful in finding positions for returning service men who have received their law degrees and then were recalled into the Armed Forces.

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## LEGAL AID

Activity in the field of Legal Aid at the Southwestern Legal Center continued throughout the year 1952. The Legal Aid Clinic under the direction of Professor Talbot Rain operated continuously in its excellent quarters in Florence Hall. Approximately 250 requests were made to the Clinic for service. At all times fifteen senior law students were available as staff members to handle the volume of work.

Because of the increasing importance of this activity, it was felt that the Legal Aid Clinic should have a permanent full-time Advisory Board. As a consequence of this, the following persons were appointed during the year to serve as the first members of the Legal Aid Committee:

Carr P. Collins, Jr., Fidelity Union Life Insurance Company.

Don M. Houseman, Cochran & Houseman.

Dwight L. Simmons, Chairman, Dallas Bar Association Committee on Legal Aid.

R. L. Dillard, Jr., Southland Life Insurance Company.

Edward B. Winn, President, Dallas Junior Bar Association.

Professors Clyde Emery, Robert E. Keeton and Talbot Rain of the Law School.

During the year the Clinic became an institutional member of the Council of Social Agencies of Dallas. It was felt that this relationship would enable the Clinic to participate better in the community problems of the city. The Clinic has also become a regular member of the National Legal Aid Association.



During the year Professor Rain completed a collection of materials dealing with the general problem of government versus private support for the Legal Aid movement generally. This material constitutes the first step in the preparation of the Foundation project in the field of Legal Aid.

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## **PROPOSED JUDICIAL ARTICLE OF THE TEXAS CONSTITUTION**

Since early 1952, the Southwestern Legal Foundation and the State Bar of Texas have been working together toward the revision of Article V, the Judicial Article, of the Texas Constitution. Such revision contemplates the general changes and modernization concerning the organization and integration of courts and the methods of the selection, tenure, and retirement of judges.

The Advisory Committee which spearheaded this work was composed of prominent and distinguished attorneys, judges, law professors and laymen under the chairmanship of Mr. Charles I. Francis, of Houston. Professor A. J. Thomas, Jr., of the Southern Methodist School of Law, and Mrs. Thomas ably assisted this Committee by research concerning judicial organization in other American jurisdictions, criticisms and weaknesses of the existing judicial structure in Texas and other jurisdictions, and proposals for improvement. Professor and Mrs. Thomas also made an outstanding contribution to the success of the Committee's work through their work in drafting and redrafting various sections of the proposed Judicial Article pursuant to decisions reached in Committee deliberations, and in preparing a commentary explaining the purpose and effect of significant changes proposed. After completion of this work in the latter part of May, 1952, the Advisory Committee offered it as a draft judicial article at the annual meeting of the State Bar in July for possible approval for future submission to the Legislature of the State. Such suggested article was presented to the Bar with a resolution which provided in effect that all members of the Bar should be called upon to study and to submit further recommendations with respect to the proposal. Moreover it was resolved that at some future time the draft should be printed in the Texas Bar Journal and thereafter submitted to a referendum vote of the Bar by mail.

Following this action certain discussions of an informative nature took place concerning the suggested article. Among such discussions were those of Judge Robert W. Stayton at the Judges Conference in Austin;



Mr. Charles I. Francis of Houston and Professor A. J. Thomas, Jr., of the Southern Methodist University Law School at the annual conference of the National Municipal League, San Antonio; and Professor Robert E. Keeton of the Southern Methodist University Law School before the Dallas Junior Bar. A detailed article by Judge Stayton explaining the proposed changes appeared in the November issue of the Texas Bar Journal, followed by publication of the draft section in the January issue.

In March of 1953, the State Bar of Texas conducted a statewide referendum of lawyers to determine their attitude on the change. The question was phrased as to whether or not the votes approved the proposed amendment of the Judicial Section of the Constitution, in substance. The tabulation of votes was as follows:

Yes	No	Illegal	Total
2,171	1,465	17	3,653

As Judge Stayton has said in the above-mentioned Bar Journal article: "It is to be hoped that the present plan or some other, may be adopted . . . to provide increasingly a speedy, inexpensive and correct administration of justice by institutions and practices of our own choosing and appropriate to the genius of our people."

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## ADMINISTRATIVE LAW PROCEDURAL REFORMS

During the last year, the study undertaken at the Southwestern Legal Center into comparative administrative procedures of all of the States of the United States was completed. The materials were mimeographed and distributed to interested members of the State Bar of Texas at the annual meeting of the State Bar at the time of a four-hour clinic on the proposed Administrative Procedure Act for Texas. The credit for this work belongs to Professor Whitney R. Harris of the School Faculty who has spent untold hours in research and in finally drafting the proposed act. A summary of this work appears in the Winter edition of the Oklahoma Law Review.

The Legal Center continued to provide expert assistance to the State Bar committee considering the final form of an Administrative Procedure Act for Texas. The committee completed its work during the last year and its final draft Act was submitted to the members of the State Bar of Texas for referendum. On March 11 the results of the poll were announced, showing an overwhelming endorsement of the bill by the lawyers of Texas. The vote was 2,340 in favor as against 1,277 opposed.



The State Bar committee decided that it would not be wise to offer the proposed Administrative Procedure Act in the present Legislature. The plan is to seek the appointment of an interim committee of the Legislature which can study the proposed Act with a view to obtaining prompt consideration of the Act by the next Legislature.

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## **RESEARCH ON THE PROPOSED UNIFORM COMMERCIAL CODE**

The Uniform Commercial Code drawn up by the National Institute and the National Conference of Commissioners on Uniform State Laws is undergoing intensive research prior to its proposal for adoption in Texas. The Texas Legislative Council was commissioned by the Texas Legislature to analyze the Code and in turn the Texas Legislative Council called upon various members of the faculties of law schools of Texas to aid them in this project. Professors Lennart V. Larson and Harvey L. Davis of the Law School of Southern Methodist University are working on the Code. Professor Davis' research deals with Section 3 concerning commercial paper. Professor Larson is concerned with the "Bulk Sales Article" and a discussion of this work will be found in the Fall, 1952, issue of the Southwestern Law Journal.

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## **THE SOUTHWESTERN REGIONAL MOOT COURT COMPETITION**

The Southwestern Regional Moot Court Competition involves the participation of law schools in the Southwest in the briefing and arguing of a moot case before qualified judges for the purpose of earning the right to participate in the National Moot Court Competition finals held in New York each year. The Regional Moot Court Competition was sponsored in 1950 and 1951 by the Southwestern Legal Foundation and in 1952 the competition was held at the University of Oklahoma at Norman, Oklahoma. The 1952 competition was won by law students from Southern Methodist University. These law students were Bill Brice, John Hamilton and Cyril Vincent. The students advanced to the quarter-finals in New York. Bill Brice and John Hamilton have another year of eligibility and the Southern Methodist University School of Law is hoping to have a National winner of the competition.



## THE SOUTHWESTERN LAW JOURNAL

The Southwestern Law Journal, of which Professor Lennart V. Larson is Faculty Editor, is now in its seventh year of publication. The Journal is published four times a year, and Volume 6 (1952) contained some 518 pages.

The Journal continues to have steady growth. The subscription list is now between 800 and 900. Around 75 are exchange subscriptions, for which the Law Library receives subscriptions to other law journals.

The Southwestern Law Journal is not self-supporting. Fourteen hundred copies of each issue are printed, and the annual cost is about \$4,500. Revenue from subscriptions and advertising has run about \$2,600. The deficit is paid by an appropriation from the Law School budget.

During the current year (Volume 7) the Spring issue will be a Symposium on Aviation Law and Summer issue will be the usual survey of common law and legislative developments in the Southwest for the preceding year. The other two issues (Winter and Fall) will be of the regular type of law review publication.

During the past year the Faculty Editor has corresponded with lawyers and law teachers in and out of Texas with a view to getting a steady flow of articles of high quality. A very encouraging response has been received. During the next two years the Journal is assured of a supply of high-grade writing. It is planned that contacts will be made and maintained so that the Journal will not lack for attractive and stimulating articles. The forthcoming Spring, 1953, issue is the result of very successful planning. It is believed that the Aviation Law Symposium includes materials which cannot be found elsewhere and which will be referred to all over the country.

Of course, a main source of writing for the Journal is the Law Faculty. During the past year leading articles have been written by Professors Wilmer D. Masterson, Whitney R. Harris, Lennart V. Larson and A. J. Thomas.

Students appointed to the Student Editorial Board continue to make substantial contributions to the survey issue and to the Comments section of the Journal.



## **PRACTICE COURT IN THE LAW SCHOOL CURRICULUM**

In the 1951-52 school year, a separate course in Practice Court under the direction of Professor Robert E. Keeton was created as a part of the required work for senior students in the School of Law. It extends throughout the Fall and Spring semesters, being a one-semester-hour course each semester. Previously the same general purpose had been served by student demonstration of points of procedure, as the points were being studied during class time in Procedure II and Procedure III—the second year courses which include a comprehensive coverage of procedure in the trial court.

Practice Court is designed to help not only the students who expect to do trial practice, but also those who may not engage in trial practice after entering the profession. The latter students should be better equipped to meet their responsibilities in other fields of practice if they have some insight into the way fact questions are presented and decided in courts.

The inherent difficulties in creating realistic trial situations for the students represent both a limitation and a challenge. Several methods of creating cases have been tried on an experimental basis. The method showing greatest promise is the use of records in actual cases, tried five to fifteen years ago, as the basis for Practice Court cases. Students in the first year class act as witnesses and parties. Each is given that part of a record relating to the testimony of the witness whose place he is taking, together with instructions for supplementing that testimony if the student lawyers ask questions different from those asked in the previous trial of the case. Student lawyers, members of the Practice Court class, are expected to gain their knowledge of the facts of the case by interviewing the witnesses and parties, without seeing the record. In the Fall semester non-jury cases are tried, and in the Spring semester each case is tried before a jury composed of students in the second year class. Enough different cases are created so that every student must prepare and try both a non-jury case and a jury case, either alone or in partnership with only one other student. Class attendance is required at part of the trials, so that all of the class may benefit from discussion concerning problems which arise during the trials and methods of meeting them.

While it will never be possible or appropriate for a law school to undertake to turn out finished trial lawyers, we hope through this course to give the student a background in trial practice—to enable him to assimilate lessons of later years in actual cases.